

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

United States of America

v.

Marcel Worthy,

Defendant.

DECISION AND ORDER
15-CR-33A

On May 18, 2016, defendant Marcel Worthy filed a motion for temporary release from custody to attend his grandfather's funeral. (Dkt. No. 89.) The funeral is scheduled for Monday, May 23, 2016 at 11 AM, with burial to follow immediately thereafter at a local cemetery.

Defendant proposed that his father sign a bond and transport him to and from the detention facility where he currently resides. The Government opposes the motion, claiming that defendant would pose a danger to the community if released under any bond conditions and for any duration. The United States Probation Office ("USPO") is sympathetic to the situation but opposes defendant's proposal as creating a flight risk. The USPO would not oppose a transport arrangement so long as defendant remained in custody.

The Court heard from the parties about the motion during the status conference that occurred this morning.

After considering defendant's proposal and the parties' positions, the Court grants the motion in part. Defendant is authorized to approach the United States Marshals Service ("USMS") to propose an arrangement under which he would remain in USMS custody at all times but would pay to be escorted to and from the funeral. The Court is generally aware that the USMS has policies governing requests for funeral transport for defendants in custody. The Court

defers to any applicable USMS policies, and this order does not constitute any ruling against or overriding of those policies.

SO ORDERED.

/s/ Hugh B. Scott
HONORABLE HUGH B. SCOTT
UNITED STATES MAGISTRATE JUDGE

DATED: May 20, 2016